

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

The Satanic Temple, Inc.

Plaintiff

v.

Newsweek Digital LLC

Defendant.

1:22-cv-1343 (MKV)

DECLARATION OF MATT KEZHAYA

COMES NOW Matt Kezhaya, who states as follows under penalty of perjury.

1. **Purpose.** This declaration is made to support The Satanic Temple's motion for summary judgment in the above case.
2. **Identity and qualifications.** I am Matt Kezhaya, an adult of sound mind with no felonies. I make the following statements on my own personal knowledge and under the penalty of perjury.
3. **Foundation for exhibits.** In my role as counsel for The Satanic Temple in this case, I received various documents from Newsweek's attorneys in response to their discovery obligations, as well as in response to a *subpoena duces tecum* I issued to Julia Duin. I personally printed to PDF the subject article which appears in this matter as Complaint Exhibit 1 and Motion Exhibit 1. I personally printed to PDF Newsweek's Editorial Guidelines which appears in this matter as Complaint Exhibit 3 and Motion Exhibit 16. And I personally wrote and issued the demand letter which appears in this matter as Complaint Exhibit 5 and Motion Exhibit 27. Attached hereto are true and correct copies of the subject article, the Editorial Guidelines, my demand letter, and responsive discovery materials which are relevant to the

points and authorities set forth in the memorandum of law supporting Plaintiff's motion for summary judgment. To-wit, in order of appearance:

1. Subject article (Compl. Ex. 1)
2. Email exchange ending October 29, 2021, 11:04 AM between Nancy Cooper and Julia Duin (Cooper26-27)
3. Email exchange ending October 29, 2021, 12:24 PM between Nancy Cooper and Julia Duin (Cooper37-39)
4. Email exchange ending October 29, 2021, 12:54 PM between Nancy Cooper and Julia Duin (Cooper28-30)
5. Email exchange ending October 29, 2021, 8:31 AM between Nancy Cooper and Julia Duin (Cooper31-32)
6. Email exchange ending October 28, 2021, 2:31 PM between Nancy Cooper and Julia Duin (Cooper48-50)
7. Email dated October 25, 2021, 12:22 PM from Juliana Pignataro to Julia Duin, Dayan Candappa, and Nancy Cooper (DUIN15-001-002)
8. Email exchange ending October 15, 2021, 1:08 PM between Juliana Pignataro and Julia Duin (NEWSWEEK442-443)
9. Four articles by Julia Duin for the Houston Chronicle: *Halloween: The sinister and the saintly/Occult practices embrace a variety of beliefs, rituals*, (October 31, 1987); *Police unable to link crime with Satanism* (October 12, 1989); *DEMONS & DARKNESS/Experts on evil shed light on things that go bump in the night* (October 28, 1989); *Satanism in the United States: a phenomenon on the rise* Houston Chronicle (December 24, 1989), Houston Chronicle (JDUIN004-017)
10. Julia Duin, *The Satanic Temple comes to Salem and the Boston Globe does a puff piece* (September 22, 2016) (Duin Depo. Ex. 3)
11. Julia Duin, *Young Satan worshippers foiled in Florida – but there's a deeper story here somewhere*, (October 26, 2018) (Duin Depo. Ex. 4)
12. Julia Duin, *ProPublica punts when digging into why the Family Research Council calls itself a church* (August 18, 2022) (Duin Depo. Ex. 5)
13. Email exchange ending September 29, 2021, 10:08 AM between Julia Duin and Kevin J. Jones of the Catholic News Agency (JDUIN001-003)
14. Email dated September 30, 2021, 12:02 PM from Julia Duin to Juliana Pignataro, Dayan Candappa, and Nancy Cooper (NEWSWEEK025)

15. Email exchange ending October 25, 2021, 1:04 PM between Nancy Cooper, Julia Duin, Dayan Candappa, and Juliana Pignataro (Cooper51-53)
16. Newsweek's editorial guidelines (Compl. Ex. 3)
17. Email exchange ending October 24, 2021, 4:02 PM between Jinx Strange and Julia Duin (NEWSWEEK015-017)
18. Email exchange ending October 29, 2021, 8:05 PM between Jinx Strange and Julia Duin (DUIN45-001-006)
19. Email exchange ending October 29, 2021, 7:02 PM between Lucien Greaves and Julia Duin (Compl. Ex. 9)
20. Email exchange ending October 29, 2021, 8:02 PM between Julia Duin and Kevin J. Jones of the Catholic News Agency (NEWSWEEK 465)
21. Defendant's Revised Initial Disclosures
22. Email exchange ending October 29, 2021, 2:54 PM between Nancy Cooper and Julia Duin (Cooper19-23)
23. Email exchange ending October 28, 2021, 1:01 PM between Nancy Cooper and Julia Duin (Cooper45-46)
24. Email exchange ending October 29, 2021, 8:28 AM between Nancy Cooper and Julia Duin (Cooper 40-41)
25. Email exchange ending October 29, 2021, 3:19 PM between Nancy Cooper and Julia Duin (NEWSWEEK377-378)
26. Email exchange ending October 29, 2021, 5:41 PM between Lucien Greaves and Julia Duin (NEWSWEEK032-037)
27. TST's demand letter to Newsweek (October 30, 2021) (Compl. Ex. 5)

4. **Background with The Satanic Temple.** Going back to around June 2016, I began assisting The Satanic Temple with litigation efforts in what is now *Cave et al. v. Thurston*, 18-cv-342 (E.D. Ark.) (an Establishment Clause and Equal Protection Clause challenge to Arkansas's newly-emplaced Ten Commandments display on State Capitol Grounds); and, going back to around March 2018, I assisted in litigation efforts in *Satanic Temple v. City of Scottsdale*, No. CV18-00621-PHX-DGC, 2020 WL 587882 (D. Ariz. Feb. 6, 2020), *aff'd sub*

nom. Satanic Temple, Inc. v. City of Scottsdale, 856 F. App'x 724 (9th Cir. 2021) (an unsuccessful Establishment Clause and Equal Protection Clause challenge to Scottsdale's legislative invocation custom). Since January 2020, I have served as general counsel for The Satanic Temple. In that role, I have served as lead counsel on another five contested cases while also attending to miscellaneous general business matters and advice. My role with The Satanic Temple comprises about half of my law practice, the balance being general civil litigation and appellate litigation in roughly equal measure.

5. **Foundation.** In connection with my services to The Satanic Temple, I have attended various events and meetups. In December 2019, I visited Detroit, Michigan to attend and speak at "The Devil's Renaissance." In or around February 2022, I visited Scottsdale, Arizona to attend and speak at the first SatanCon. And in or around March 2023, I visited Boston, Massachusetts to attend and speak at the second SatanCon. Each of these events were well attended by the membership, with escalating attendance from ~100 at The Devil's Renaissance, to ~300 at the first SatanCon, to ~600 at the second SatanCon. My in-person interaction with the membership is otherwise limited to the Minnesota congregation and *ad hoc* interactions with witnesses in particular cases.

6. **No sexual abuse or cover-up.** I have neither seen nor heard anything that would cause me to believe there was any permutation of sexual abuse or cover-up within The Satanic Temple.

7. **No polling data.** Newsweek has supplied no polling data to substantiate a claim that The Satanic Temple is a "household name."

FURTHER AFFIANT SAYETH NOT.

Pursuant to 28 USC § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. *s/Matt Kezhaya*

Executed on May 17, 2024.